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SUBJECT: ASYLUM POLICY IN SLOVAKIA NOT REFUGEE FRIENDLY

¶1. SUMMARY: On October 24, the Slovak parliament harmonized existing asylum law with EU directive 15 by establishing a system in which the Ministry of Justice provides free legal aid to asylum seekers. The amendment, and overall conservative GOS policy towards asylum seekers and recognized refugees, have drawn muted criticism from NGOs who believe they do not adequately protect the human rights of this vulnerable population. However, such criticism lacks traction with Slovak society writ large. At our behest, the GOS resettled eight Cuban migrants from Guantanamo this October, and immediately granted them asylum (which doubled the annual intake of recognized refugees). Their integration experience will enable us to better evaluate the ability of non-Slavic refugees to integrate into Slovak society. End Summary.

Migration Office  
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¶2. The Director of the Migration Office, Bernard Prielcel, has retained his position under three different Slovak governments. He describes himself as an "internationally recognized expert on migration policy." According to Migration Office Statistics, 54,469 people have requested asylum in Slovakia since 1992. Of them, only 616 were granted refugee status. Asked why there are so few approvals, Prielcel explained that most asylum seekers leave Slovakia and continue on their journey west, where employment opportunities and social assistance are better. He then said that Slovakia has over 500,000 Roma (approximately 10 percent of the population) who are living off the social welfare system but are not contributing to it. He said before the State starts granting asylum for "humanitarian reasons" it must deal with its neediest "internal migrants" first.

Parliament  
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¶3. Opposition (SDKU) MP Martin Pado, who also served as Minister of Interior during the last year of the Dzurinda administration, told us that attitudes towards foreigners still need to change in Slovakia. Pado admitted that during his time at the Ministry of Interior, he noticed a reluctance to approve refugee status for asylum seekers. Pado also said he believes that the financial crisis will have a negative impact on asylum seekers, as the labor market will constrict and this will provide an easy rationale for decision makers to not accept more refugees in Slovakia. He said Parliament did not have any debates on the asylum law amendment, but he knows that UNHCR and other NGOs were consulted by the Ministry of Interior, which drafted the amendment.

¶4. Opposition (KDS) MP Vladimir Palko, who served as Minister of Interior prior to Pado, told us that Slovakia is a "young country searching for the right balance between respect for human rights and the obligations of the State." Palko also said that it is clear that multiculturalism is not going very well in other parts of Europe, and thus Slovak

authorities must weigh asylum decisions very carefully.

UNHCR

15. Peter Kresak, the Director of UNHCR's Bratislava office, said cooperation with border authorities processing asylum seekers has improved, as have conditions at reception and integration centers. Kresak said that he is concerned, however, about the long-term impact of the new amendment to the asylum law which obliges the State to provide free legal aid to asylum seekers only from the second instance, i.e. during the appeal process after their first claim has been rejected. Kresak said that NGOs such as the Good Will Society in eastern Slovakia and the Slovak Human Rights League in western Slovakia provide legal aid to migrants from the initiation of the process, which is primarily paid for by the European Refugee Fund (ERF). Although the GOS has agreed that ERF money can continue to fund the NGO-provided legal aid, Kresak is worried that this solution would not be tenable over the long-term, as ERF money for Slovakia is decreasing.

16. Kresak also commented that despite the stable economic situation in the country, there has not been an improvement in Slovakia's asylum or integration policies. According to UNHCR Statistics, Slovakia has the second lowest refugee recognition rate in the region (Slovenia's was lowest.) In 2007, Slovakia received 2643 asylum applications; 14 were granted refugee status. In contrast, Hungary had 3425 applications, of which 169 were given refugee status. Kresak said he has heard from several GOS interlocutors that they are unwilling to invest in improving integration conditions

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for refugees and asylum seekers because they firmly believe Slovakia is a transit country for refugees.

17. In November, one of Slovakia's largest reception centers for asylum seekers, Gabčíkovo, ceased to operate as a reception center, and is now used only as a housing facility for individuals who are granted subsidiary protection (82 in 2007, and 44 through September 2008). According to UNHCR, there were concerns about potential migrant smuggling occurring at Gabčíkovo, but the official reason the GOS stopped housing asylum seekers there was merely numbers. Since Slovakia greatly improved border security and joined the Schengen zone in December 2007, the number of new asylum applications in 2008 was only 910, a significant decline in comparison with previous years.

NGO community

18. Representatives of Goodwill Society, Human Rights League, and the Slovak Refugee Council, have told us they fear the new amendment will not provide adequate long-term legal aid to asylum seekers. Generally, they feel that a majority of asylum seekers are in fact moving west, but attributed that not only to the allure of Sweden and other countries' refugee-friendly policies, but also to the fact that many asylum seekers feel unwelcome in Slovakia and have heard they are almost guaranteed to have their claims rejected. The Human Rights League estimates that approximately ten to fifteen percent of the 300 clients to whom they provide legal aid annually have legitimate "well-founded fear" and should qualify for refugee status.

An Unusual Case: Cubans From Guantanamo

19. Despite this general reluctance to grant refugee status to foreigners, the GOS Migration Office did agree to resettle eight Cubans in October last year, as part of the USG-funded resettlement program for Cuban refugees. In two site visits of the Zvolen integration center conducted by PolOff, one on

October 28 and the other on December 3 (with UNHCR), the Cubans appear to be actively attempting to learn Slovak and to have received adequate support from the government. The Cubans were immediately granted asylum upon arrival, and the GOS has processed their paperwork efficiently and promptly. IOM and the GOS agreed to increase the amount of language training for the Cubans at our request, and both Goodwill Society and UNHCR commented they were impressed with the resources available for the Cubans and the renovations to the Zvolen integration center, where the Cubans are currently housed.

¶10. In April, the Cubans will be offered three alternatives for housing after their initial six months in Slovakia. They will be able to extend their stay at the Zvolen center, relocate to GOS-subsidized flats in Kosice or Zilina, or find their own apartments on the local real estate market in whichever city they choose. Only time will tell if the Cubans are able to learn Slovak, find a job, and bring other family members here. But for now their integration process appears to be on track, thanks to USG resources complementing the basic refugee assistance package provided by the GOS.

Comment

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¶11. There is a growing sense among Slovak policymakers that Slovakia should not only consume the benefits of freedom and democracy, but also provide those benefits to others. Perhaps with this evolving mindset, attitudes towards migration policy will also shift. Despite a generally cautious, if not negative, attitude towards minorities, the Slovaks take their EU commitments seriously. If the current European Commission debate on improving rights for asylum seekers mandates more generous standards for refugee seekers in EU member countries, we believe that would certainly carry significant weight with the otherwise conservative Slovak migration authorities. We are encouraged by the GOS cooperation with the Cuban refugees, who are undoubtedly experiencing a preferential refugee experience in Slovakia. We will continue to monitor their unique integration process closely, and will urge the GOS to do all that it can to make their integration successful.

EDDINS